



# राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार, 25 जुलाई, 1997/३ आवण, 1919

हिमाचल प्रदेश सरकार

## URBAN DEVELOPMENT DEPARTMENT

### NOTIFICATION

Shimla-2, the 24th July, 1997

No. LSG. A (3) 5/96-A.—In exercise of the powers conferred by section 305 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) the Governor of Himachal Pradesh proposes to make the following rules and the same are hereby published in the official gazette for the information of the persons likely to be effected thereby as required under section 279 (5) of the said Act.

If any person likely to be effected by the rules, has any objection(s) or suggestion to make in relation to the proposed rules, he may send the same to the Financial-cum-Commissioner cum-Secretary (Urban Development) to the Government of Himachal Pradesh, Shimla-171002, within the period of 15 days from their publication in the official gazette.

Objections or suggestions, if any, received within the above stipulated period shall be taken into consideration by the State Government before finalising the same ; namely :—

1. *Short title and commencement.*—(i) These rules may be called the Himachal Pradesh Municipalities Executive Officer/Secretary (Recruitment, Promotion and other conditions of Service) Rules, 1997.

(ii) They shall come into force w.e.f. date of final publication.

2. *Application.*—These rules shall apply to the posts specified in col. 1 of Annexure-I annexed to these rules.

3. *Definition.*—In these rules unless the context otherwise requires :

(a) 'Act' means the Himachal Pradesh Municipal Act, 1994.

(b) 'Appointing Authority' means the authority indicated as the Appointing Authority against each category of service in Annexure-II of these rules.

(c) 'Director' means the Director, Urban Local Bodies, appointed by the Government.

(d) 'direct recruitment' means an appointment by selection other than by promotion/transfer/deputation.

(e) 'duty' includes the service as a probationer or apprentice provided that such service is followed by confirmation without any break and shall also include joining time;

(f) 'Government' means Government of Himachal Pradesh.

(g) 'municipality' means :

(i) a Nagar Panchayat and Municipal Council constituted under the Himachal Pradesh Municipal Act, 1994 ; and

(ii) a Municipal Corporation constituted under the Himachal Pradesh Municipal Corporation Act, 1994.

(i) 'member' means a member of the service.

(j) 'service' means a municipal service constituted by the Government under the provisions of H. P. Municipal Services Act, 1994, H. P. Municipal Corporation Act, 1994 and H. P. Municipal Act, 1994 in the manner prescribed under these rules.

4. *Nationality, Domicile and character of persons to be appointed to a service.*—(i) No person shall be appointed to a service unless he is :

(a) a citizen of India, or

(b) a subject of Nepal, or

(c) a subject of Bhutan, or

(d) a Tibetan refugee who came over to India before 1st January, 1962, with intention of permanently settling in India, or

(e) a person of Indian origin who has migrated from Pakistan, Myanmar, Sri Lanka (formerly Ceylon) or East African Countries of Kenya, Uganda and United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zambia, Malawi, Zaire and Ethiopia with intention of permanently settling in India:

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour certificate of eligibility has been given by the Government of India and belongs to category (e). The certificate of eligibility will be issued for a period of one year after which such a candidate will be retained in service subject to his having acquired Indian citizenship.

(ii) No person shall be recruited to the service unless his antecedents and other character have been verified before hand by reference to the Police Department; provided that in the case of recruitment to temporary vacancy needed to be made urgently, a person may be appointed in accordance with general directions as may be issued by the Government in anticipation of his antecedents and character being verified by the Police Department.

5. *Number of posts. Classification and scales of pay.*—(a) The number of posts and scales of pay of various posts shall be as specified in column (3) & (4) of Annexure-I or as may be prescribed by the Government from time to time.

(b) The classification of the posts shall be as under :—

1. Executive Officer }	Executive-State Municipal Services.
2. Secretary.	

6. *Recruitment and Promotion.* (i) The method of recruitment, promotion and other matters connected therewith shall be as specified in column (5) to (9) of Annexure-I of these rules.

(ii) Recruitment to the categories of posts of the service at the time of initial constitution shall be made by the appointing authority by the absorption of persons already in service of municipality in a corresponding post provided they are found fit.

(iii) After filling in the vacancies under sub-rule 6(ii) the remaining vacancies and the vacancies which may occur thereafter shall be filled in the manner prescribed in Annexure-I of these rules.

(iv) In case, no suitable candidate is available for appointment by direct recruitment or by promotion, the vacancy may be filled by deputation/transfcr.

(v) The direct recruitment shall be made by appointing authority on the recommendation of a Selection Committee constituted under sub-rule (vi).

(vi) The Government may, from time to time, by notification, constitute a Selection Committee consisting of at least three members.

(vii) While making recruitment under sub-rule (iii) the general instructions of the Government regarding reservation in services for members of the Scheduled Castes, Scheduled Tribes, Backward Classes and for any other category in relation to the services under it shall be applicable to the services.

(viii) An incumbent who foregoes promotion, will be debarred from promotion for a period of 2 years and will rank junior to all those who may have been promoted during this period.

7. *Age on entry.*—No person shall be appointed to a service by direct recruitment if he is less than 18 years of age and more than 35 years of age or as prescribed by the Government for the equivalent posts in Government service from time to time ;

Provided that in the case of candidate belonging to the Scheduled Castes, Scheduled Tribe and other backward classes, the maximum age limit shall be such as may be fixed by the Government from time to time.

8. *Physical Fitness.*—A person appointed to the service by direct recruitment shall be required to produce certificate of physical fitness from the Chief Medical Officer of the District before joining the service.. Such person shall before being examined make and sign declaration in Form prescribed for Government servants and Medical Officer shall examine him and furnish a certificate in Form prescribed for Government servants.

9. *Disqualifications.*—No person :—

- (a) who has entered into or contracted a marriage with a person having a spouse living, or
- (b) who, having a spouse living has entered into or contracted a marriage with any person, shall be eligible for appointment to a service;

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other grounds for so doing, exempt any person from operation of this rule.

10. *Liability to transfer.*—The member of the service shall be liable to serve at any place in the State of Himachal Pradesh.

11. *Probation.*—(1) A person appointed to any post in a service shall remain on probation for a period of two years:

*Provided that :*—

- (a) any period, after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation ; and
- (b) any period of officiating appointment shall be reckoned as the period spent on probation. but no person who has so officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent vacancy.

(2) If, in the opinion of the appointing authority, the work, or conduct of a person appointed to any post in the service during the period of his probation, is not satisfactory, it may—

- (a) if such person is appointed by direct recruitment, dispense with his service ;
- (b) if such person is appointed by promotion —
  - (i) revert him to his former post; or
  - (ii) deal with him in such a manner as the terms and conditions of the previous appointment permit; or
  - (iii) extend his period of probation and thereafter pass such order as it could have passed on the expiry of the first period of probation:

Provided that the total period of probation including extension, if any, shall not exceed three years.

(3) On the completion of the period of probation of person, the appointing authority may, if his work or conduct has, in its opinion, been satisfactory :—

- (i) confirm such person from the date of his appointment if appointed against a permanent vacancy;

- (ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy;
- (iii) declare that he has completed his probation satisfactorily, if there is no permanent vacancy.

**12. Seniority of the members of the service.**—The seniority *inter-se* of the members of the service shall be determined separately for every category by the length of their continuous service on a post in the said category :

Provided that in the case of members appointed by direct recruitment, their *inter-se* seniority shall be in the order of merit determined by the service selection committee or any authority, as the case may be:

Provided further that in the case of two or more members appointed on the same date, a member appointed by direct recruitment shall be senior to a member appointed otherwise.

**13. Punishment and Appeals.**—The disciplinary authority and appellate authority for the purpose of these rules shall be as prescribed in Annexure-II to these rules.

**14. Departmental Examination.**—Government may by notification direct that person appointment to a post or category of posts as may be specified shall be required to pass a departmental examination, the details and syllabus for which and consequence for failure to pass it shall be as notified by the Government.

**15. Power to relax.**—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

**16. Interpretation.**—If any doubt arises relating to the interpretation of the rules, it shall be referred to the Government whose decision therein shall be final.

**17. Saving Clause.**—All corresponding provisions contained in any rules, regulations and bye-laws relating to the municipal services in force in the municipalities, immediately before the commencement of these rules, shall stand repealed.:

Provided that any order made or action taken under the rules, regulations or bye-laws so repealed shall be deemed to have been made under the corresponding provisions of these rules.

By order,

Sd/-

Financial Commissioner cum-Secretary.

### ANNEXURE - I

#### The Himachal Pradesh Executive—State Municipal Services (Recruitment, Promotion and other conditions of Service) Rules, 1997

Sl. No.	Name of the post	No. of posts	Scale of pay	Whether selection or non-selection	Educational & other qualifications	Whether age other qualification prescribed for direct recruits will apply in the case of promotees	Method of recruitment whether direct recruitment or by promotion/transferring and percentage of vacancies to be filled by various methods	Grades from which recruitment by promotion/deputation/transfer and contract/re-employment is to be made.
1	2	3	4	5	6	7	8	9
1.	Executive Officer.	19	2000—3500	Selection	Direct recruitment : Professional Degree in Law from a recognised University OR B.A. with Diploma in L.S.G. from institute recognised by State/Centre Govt.	Educational Qualification will apply.	50% by direct recruitment 50% by promotion/transfer from amongst Secretaries.	By promotion/transfer from amongst the Secretaries with at least 3 Yrs. regular or regular combined with continuous ad-hoc (rendered upto 31-3-91) service, if any in the grade or as amended by the Government from time to time failing which by deputation/transfer from an equivalent post in the Government Departments of Himachal Pradesh.
2.	Secretary	27	1800—3200	Selection	As above	As above.	50% by direct recruitment. 50% by promotion/Transfer.	By promotion/transfer from amongst the Senior Assistant (50%) and Sanitary Inspectors (50%) with at least 5 years and 9 years regular or regular combined with continuous ad-hoc (rendered upto 31-3-91) service in the grades respectively or as amended by the Government from time to time.

Sl. No.	Designation of the employee	Appointing Authority	Disciplinary Authority	Appellate Authority
1	2	3	4	5
1.	Executive Officer	Secretary (UD) to the Government of Himachal Pradesh.	Secretary (UD) to the Government of Himachal Pradesh.	State Government
2.	Secretary	-do-	-do-	-do-

नियन्त्रक, मुद्रण तथा लेखन मामधी, हिमाचल प्रदेश, शिमला-५ द्वारा मुंत्रित तथा प्रकाशित ।